

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:

Kira Hurt,

Respondent.

Case No. 21710

STIPULATION

BACKGROUND

This is a stipulation to resolve a Professional Standards Commission case involving Kira Hurt. Following an investigation, the Executive Committee of the Professional Standards Commission reviewed the information before it and determined that probable cause existed for initiating an administrative action against Kira Hurt's certificate. The Executive Committee has recommended the following Stipulation.

STIPULATION

1. This is an agreement (Stipulation) between Kira Hurt (Ms. Hurt) and the Executive Committee (Executive Committee) of the Professional Standards Commission (Commission).
2. After Ms. Hurt and the Executive Committee agree to and sign this Stipulation, the Stipulation must be approved by the Commission, and the Commission must enter the attached consent order, before this Stipulation resolves the matter.

3. A signed copy of this Stipulation may be submitted via mail or fax to:

Professional Standards Commission
650 West State Street, 2nd Floor
P. O. Box 83720
Boise, ID 83720-0027
Fax: (208) 334-2288 (Attn: Professional Standards Commission)

A. STIPULATED FACTS AND LAW

4. The Commission regulates teacher certification in Idaho.

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Kira Hurt

5. Ms. Hurt holds the following certificate and endorsements issued under the authority of the Idaho State Board of Education:

- a. Standard Secondary Certificate with Spanish 6-12 and German 6-12 endorsements – effective September 1, 2015 – valid until August 31, 2020.

6. Ms. Hurt was employed as a World Language teacher at Rocky Mountain High School for the West Ada School District in the 2016-2017 school year.

7. On or about February 2, 2017, Ms. Hurt was teaching at Rocky Mountain High School. Several students reported concerns in relation to Ms. Hurt's behavior, including leaving her classroom unattended. Ms. Hurt asserts that she left the classroom due to medical reasons. After receiving these concerns, Rocky Mountain High School staff observed Ms. Hurt and noted she did not appear alert and appeared to be disoriented as to what was happening in the classroom.

8. Ms. Hurt met with nurse Patty Cushing at Rocky Mountain High School after the observations from paragraph 7 were made. It was determined that Ms. Hurt was impaired after her vitals were taken. Ms. Hurt advised that she wanted to leave the premises, but before she left, the School Resource Officer, Robert Allison, advised her that she was in no condition to drive. SRO Allison advised that if she chose to drive, he would have probable cause to stop her and possibly arrest her. Ms. Hurt denies that such statements were made. Ms. Hurt subsequently attempted to leave the premises in her vehicle and was then arrested.

9. On March 2, 2017, in Case No. CR01-17-03427 in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada, Ms. Hurt was charged with Count I: Driving under the Influence of Alcohol and/or Drugs (2nd Offense), which is a misdemeanor in violation of Idaho Code § 18-8004(1)(a) and 18-8005(4).

10. On July 27, 2017, Ms. Hurt pled guilty to Count I set forth in paragraph 9.

11. The West Ada School District had the following policies in effect during the relevant time:

- a. Policy 403.5: All staff are responsible for the safety and welfare of students including the need to ensure that students are supervised.
- b. Policy 403.7: The use of legal or prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential function of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

12. The Executive Committee determined that probable cause exists for initiating an administrative action against Ms. Hurt for violating the following laws and rules governing teacher certification:

- a. Ms. Hurt's conduct or course of conduct described above violated Idaho Code § 33-1208(1)(j). Specifically, Ms. Hurt violated Code of Ethics Principle III (Idaho Admin. Code r. 08.02.02.076.04) ("A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice.")
- b. Ms. Hurt's conduct or course of conduct described above violated Idaho Code § 33-1208(1)(j). Specifically, Ms. Hurt violated Code of Ethics Principle I (Idaho Admin. Code r. 08.02.02.076.02) ("A professional educator abides by all federal, state, and local education laws and statutes.")

B. STIPULATED DISCIPLINE

13. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Ms. Hurt's certificate:

- a. Indefinite suspension with the condition that the suspension not be lifted until medical verification is received demonstrating that Ms. Hurt may return to work and has the ability to perform all of her duties as a teacher.

C. PRESENTATION OF THIS STIPULATION

14. Once Ms. Hurt signs this Stipulation and timely returns it to the Commission, and the Executive Committee signs this Stipulation, the Deputy Attorney General assigned to the Commission will present this Stipulation to the Commission at the Commission's next business meeting.

15. The Commission may accept, reject, or modify the Stipulation.

16. If the Commission modifies this Stipulation, it must receive Ms. Hurt's approval on any modification before the Stipulation is effective.

C. WAIVER OF RIGHTS

17. If this Stipulation is approved by the Commission, Ms. Hurt knowingly, intelligently, and voluntarily waives the following rights:

- a. the right to a hearing;
- b. the right to confront and cross-examine witnesses;
- c. the right to present evidence or to call witnesses, or to testify at a hearing;
- d. the right to reconsideration of the Commission's orders;
- e. the right to judicial review of the Commission's orders; and
- f. other rights accorded by the Idaho Administrative Procedure Act, and the law and rules governing teacher certification in the State of Idaho.

18. If this Stipulation is approved by the Commission, the Commission may impose discipline upon Ms. Hurt's certificate without further process.

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Kira Hurt

SIGNATURES

Respondent

The respondent, Kira Hurt, agrees to this Stipulation.

DATED this 2 day of May, 2018.

Kira Hurt

Kira Hurt
Respondent

Executive Committee

The Executive Committee recommends that the Commission enter an Order based upon this Stipulation.

DATED this 25 day of June, 2018.

IDAHO PROFESSIONAL STANDARDS
COMMISSION EXECUTIVE COMMITTEE

Chasity M. King
Member

In the matter of the certificate of:

Kira Hurt,

Respondent.

) Case No. 21710

)


) **CONSENT ORDER**

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Dated this 26 day of June, 2018.


Elisa Saffle, Member

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on this 8th day of August, 2018, I caused to be served a true and correct copy of the foregoing by the following method to:

Kira Hurt
319 Hospital Drive
Orofino, ID 83544

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Facsimile:
- ☐ Email:

Robert A. Berry
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Facsimile: (208) 854-8073
- ☒ Email: robert.berry@ag.idaho.gov
leslie.gottsch@ag.idaho.gov


Annette Schwab
Program Specialist
Idaho State Department of Education